

PETITION FOR SPECIAL HEARING 85-116-8PH

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the use of the property conforming two dwellings now existing on one lot.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Robert Briggs - Debra Briggs (Type or Print Name)
Signature: Robert Briggs
Address: 110 Williams Avenue
City and State: Baltimore, Maryland 21222

Legal Owner(s): Roy J. Franta (Type or Print Name)
Signature: Roy J. Franta
Address: 1923 Cypress Drive
City and State: Baltimore, Maryland 21014

Attorney for Petitioner: Michael F. Delea, Jr. (Type or Print Name)
Signature: Michael F. Delea, Jr.
Address: 400 Allegheny Avenue
City and State: Towson, Maryland 21204

Attorney's Telephone No.: 821-5454

ORDERED By The Zoning Commission of Baltimore County, this 4th day of September, 1984, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 5th day of November, 1984, at 10:30 o'clock AM.

Zoning Commissioner of Baltimore County.

Z.C.O.-No. 1

(over)

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 4th day of September, 1984.

ARNOLD JABLON
Zoning Commissioner
Received by: Nicholas B. Commodari
Chairman, Zoning Plans Advisory Committee

Petitioner: Roy J. Franta, et ux
Petitioner's Attorney: Michael F. Delea, Jr.

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

September 27, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #54 (1984-1985)
Property Owner: Roy J. Franta, et ux
N/S Williams Ave. 307.92' W. from
Sollers Point Rd.
Acres: 0.166
District: 12th

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General Comments:

As no public facilities are involved, this office has no comment.

Very truly yours,
GILBERT S. BENSON, P.E., Asst. Chief
Bureau of Public Services

GSB:EAM:ROP:ss

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
Zoning Commissioner
Date: October 16, 1984

Norman E. Gerber, Director
Office of Planning and Zoning
FROM: Roy J. Franta, et ux
SUBJECT: No. 85-116-8PH

In view of the subject matter of this petition, this office offers no comment.

NEG/JGH/ef

Norman E. Gerber, Director
Office of Planning and Zoning

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 30, 1984

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Michael F. Delea, Jr., Esquire
400 Allegheny Avenue
Towson, Maryland 21204

Dear Mr. Delea:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

Enclosures

cc: Keller & Keller
3914 Woodlea Avenue
Baltimore, Maryland 21206



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211

NORMAN E. GERBER
DIRECTOR

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Zoning Advisory Meeting of 9-4-84
Item # 54
Property Owner: Roy J. Franta, et ux
Location: N/S Williams Ave.
W of Sollers Point Rd.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- (X) There are no site planning factors requiring comment.
- () A County Review Group Meeting is required.
- () A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- () This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- () A record plat will be required and must be recorded prior to issuance of a building permit.
- () The access is not satisfactory.
- () The circulation on this site is not satisfactory.
- () The parking arrangement is not satisfactory.
- () Parking calculations must be shown on the plan.
- () This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- () Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- () Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- () The amended Development Plan was approved by the Planning Board on
- () Landscaping should be provided on this site and shown on the plan.
- () The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is
- () The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- () Additional comments:

Eugene A. Bober
Chief, Current Planning and Development

cc: James Hoswell



BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

September 11, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 49, 51, 53, 54, 55, and 56 ZAC Meeting of September 4, 1984
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Acres:
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 49, 51, 53, 54, 55, and 56.

Michael S. Flanagan
Traffic Engineering Assoc. II

MSF/vcm

PHONE: 483-5150

KELLER & KELLER
State Registered Land Surveyors

3914 WOODLEA AVENUE
BALTIMORE, MARYLAND 21206

Municipal Engineering
Construction Supervision
Road Location, Reports
Plans and Specifications

Aug. 8th, 1984

ZONING DESCRIPTION TO ACCOMPANY
PLAT FOR SPECIAL EXCEPTION

BEGINNING on the North side of Williams Ave. at the distance of 307.92' measured Westerly from the Southwest side of Sollers Point Rd.; thence along Williams Ave., N. 78° W. 50'; thence N. 12° E. 120' to the Southwest side of a 10' Alley; thence along the Alley S. 78° E. 50'; thence S. 12° W. 120' to the place of beginning.

CONTAINING 6000 sq. ft. of land more or less (NET)

BEING k/a Lots #239 & #240 on the Plat of "NEW PITTSBURG", recorded in Baltimore County Plat Book W.P.C. No. 3, folio 72



George T. Keller
Reg. Prof. P.L.S.No. 67

PETITION FOR SPECIAL HEARING
12th Election District

LOCATION: North side of Williams Avenue, 307.92' West of Sollers Point Road (110 Williams Avenue)

DATE AND TIME: Monday, November 5, 1984 at 10:30 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the non-conforming use of two (2) dwellings now existing on one (1) lot.

Being the property of Roy J. Franta, et ux as shown on the plat filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

IN RE: PETITION SPECIAL HEARING
N/S of Williams Avenue,
307.92' W of Sollers Point
Road (110 Williams Avenue) -
12th Election District
Roy J. Franta,
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 85-116-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a determination as to whether a nonconforming use exists on property which contains two dwellings, as more particularly shown on Petitioners' Exhibit 1.

The Petitioners appeared and testified and were represented by Counsel. Testifying in behalf of the Petitioners was Rosalie Stith, a life-long resident of the area and a former tenant on the property. There were no Protestants.

Testimony indicated that the subject property, zoned D.R.5.5, contains a two-story home in the front facing Williams Avenue and a one-story home in the rear. The Petitioners purchased the property in April, 1961, at which time the home in the front was rented to a niece of the owners and the rear home was rented to a tenant. In July, 1961, the Petitioners moved into the front home and continued to rent the rear home to the same tenant. Some months later, the rear home was rented to Mrs. Franta's parents who have maintained it as their residence since. Mrs. Franta's father has died but her mother still lives in the home.

The Petitioners now wish to sell the property to their daughter and son-in-law who intend to live in the home in the front. It is intended that Mrs. Franta's mother will continue to live in the rear home. In order to complete the transaction, the lending institution requires that a formal decision be rendered as to the nonconforming status of this property.

ORDER RECEIVED FOR FILING

DATE November 13, 1984
BY [Signature]

Mrs. Stith testified that the property has always been utilized for two dwellings. In fact, she was a tenant in the rear home from 1944 to 1952 and can state with certainty that the property has been continuously and uninterruptedly used as described since that time.

The Petitioners seek confirmation that a nonconforming use exists pursuant to Section 104.1, Baltimore County Zoning Regulations (BCZR).

The testimony and evidence presented clearly support the contention that the property enjoys the nonconforming use of two independent residences that have been in continuous use since the 1930's. After due consideration of the testimony and evidence presented, it is clear that a nonconforming use does exist.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief prayed for should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 13th day of November, 1984, that the Petition for Special Hearing for a nonconforming use for two detached residences on the subject property be and is hereby GRANTED from and after the date of this Order.

[Signature]
Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING

DATE November 13, 1984
BY [Signature]

Michael F. Delea, Jr., Esquire
People's Counsel

Oct. 31-1984

To Whom It May Concern:

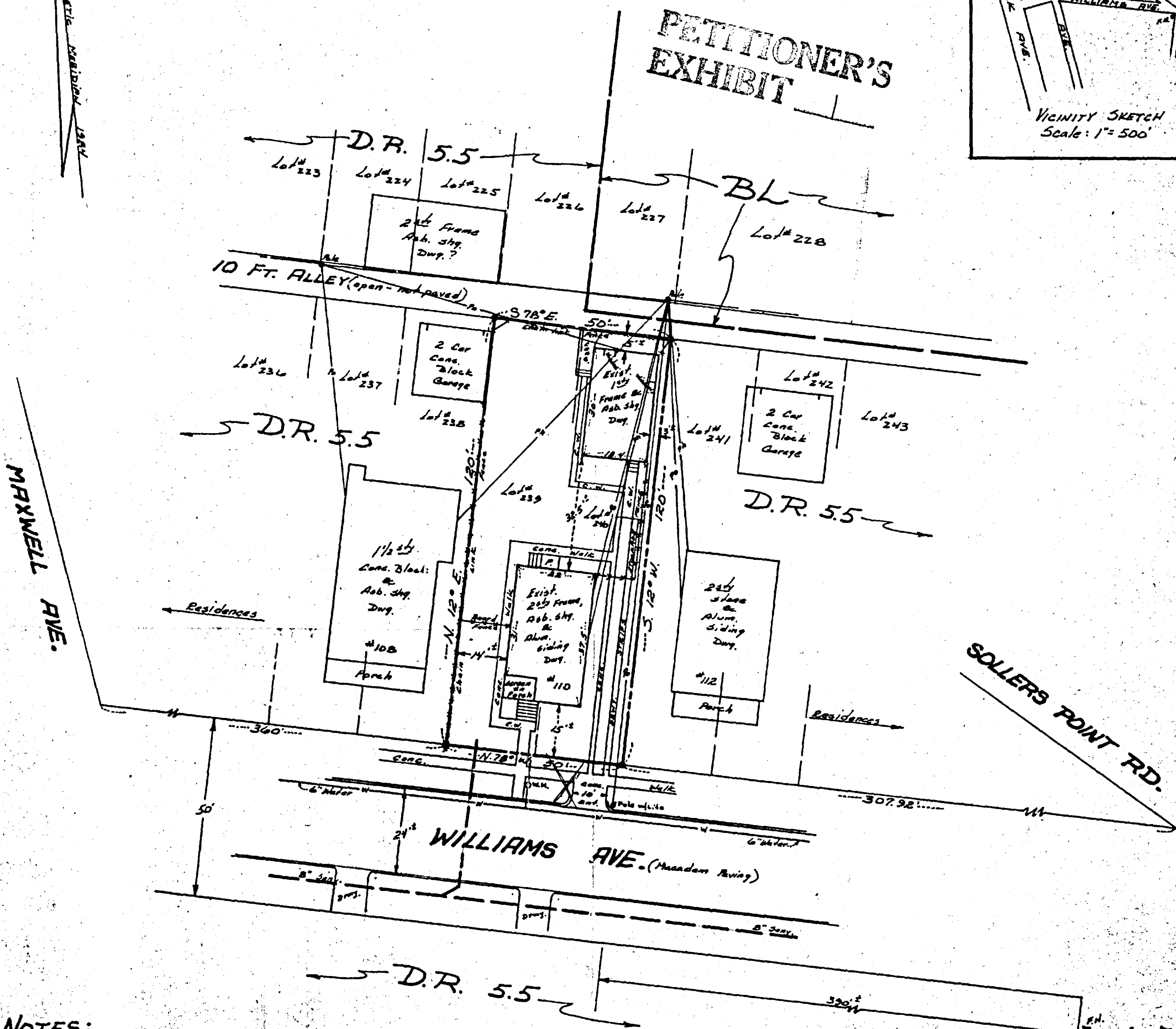
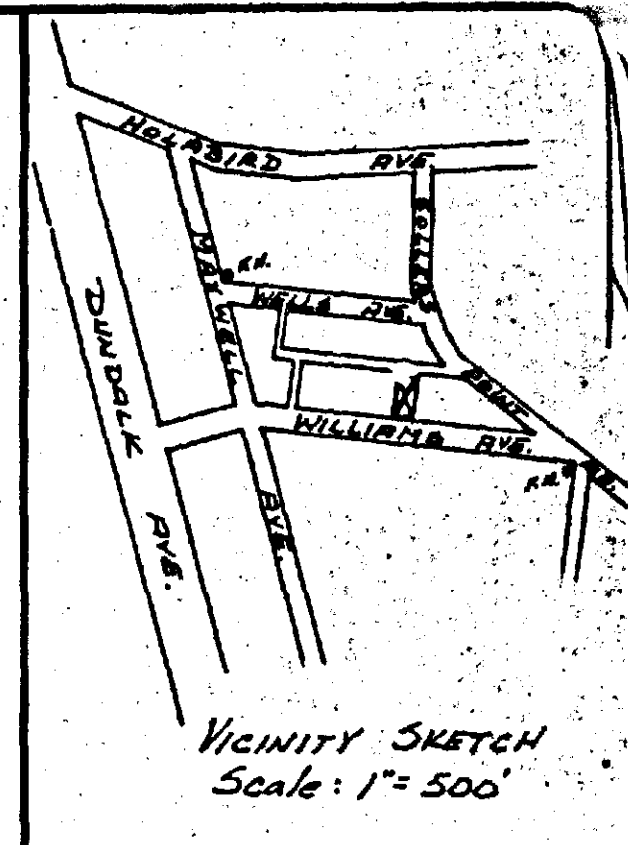
We have lived at 104 Williams Ave since June 8-1930.

To the best of our knowledge, there has been, and still is, two dwellings at 110 Williams Ave.

[Signature]
Margaret Cicchetti

PETITIONER'S
EXHIBIT 2

**PETITIONER'S
EXHIBIT**



NOTES:

Existing Zoning D.B. 5.5
Gross Area (1/2 of Road) 7250' (0.146 Ac. \pm)
Net Area 6000' (0.138 Ac. \pm)
Reference Plat: "NEW PITTSBURG", Balto. Co. 3/72

MAN 212
SE 3-E
ELECTION
DISTRICT 12
OCT 9/26
TIME
BY SAT
MB
FROM
BY _____

SCALE: 1" = 20'
DATE: AUG. 8th, 1984

Max. 3500

REG. PROF. P.L.S. NO. 67

1 Plat of
"110 WILLIAMS AVE.
to accompany Special Exception
12th Elec. Dist Balto. Co., Md.

KELLER & KELLER
LAND SURVEYORS
394 WOODLEA AVE.
BALTO., MD. 21206
301-483-8150

